



Federal Communications Commission  
Washington, D.C. 20554

February 15, 2007

DA 07-678

**Certified mail, return receipt requested**

Mr. John R. Ure  
515 E. Carefree Highway 852  
Phoenix, AZ 85085

Re: Modification of Operator Privileges  
Amateur Radio Service Station W5VXJ

Dear Mr. Ure:

The purpose of this letter is to notify you that we are proposing to modify the operator privileges of your license for Amateur Radio Service Station W5VXJ from Amateur Extra Class to General Class. As explained below, we propose this action in response to information the Wireless Telecommunications Bureau received from the American Radio Relay League, Inc., Volunteer Examiner Coordinator (ARRL VEC). Specifically, the ARRL VEC states that you notified the Volunteer Examiners (VEs) that an error resulted in your operator privileges incorrectly being changed to Amateur Extra Class.<sup>1</sup>

By way of background, on February 2, 2006 the Commission received from the ARRL VEC an electronic data file that contained an application requesting modification of the license for amateur station W5VXJ to upgrade your operating privileges from Technician Plus Class to Amateur Extra Class.<sup>2</sup> Consequently, you were granted an Amateur Extra Class amateur radio operator license on February 2, 2006. On April 19, 2006 the ARRL VEC notified the Commission that the February 2, 2006 data file contained an error.<sup>3</sup> Specifically, the ARRL VEC stated that the requested upgrade was intended to modify your operator privileges from Technician Plus Class operator privileges to General Class operator privileges, and that the requested upgrade to Amateur Extra Class privileges was due to a typographical error in its processing of your application.<sup>4</sup> It requests that we set aside this grant so that it may file an application to properly upgrade your operator license to General Class operator privileges.<sup>5</sup>

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<sup>1</sup> Electronic mail message, dated April 19, 2006, from Perry Green, Assistant VEC Manager, ARRL, to Rebecca Williams, Wireless Telecommunications Bureau, Federal Communications Commission (ARRL VEC Request).

<sup>2</sup> See FCC File No. 0002470869 (filed February 2, 2006). Volunteer examiner coordinators coordinate the efforts of volunteer examiners in preparing and administering qualifying examinations, and then forward the required data for qualified examinees to the Commission electronically. See 47 C.F.R. 97.519(a).

<sup>3</sup> See ARRL VEC Request.

<sup>4</sup> See *id.*

<sup>5</sup> See *id.*

Based on the information now before us, it appears that the ARRL VEC did not intend to request that we modify your operator license to show Amateur Extra Class operator privileges. It also appears to us that the grant of Amateur Extra Class operator privileges was erroneous because the Volunteer Examiners have not certified that you are qualified for an Amateur Extra Class amateur service operator license. Rather, it appears that you are currently authorized Amateur Extra Class operator privileges due to a typographical error by the ARRL VEC in the processing of your application.

We agree with the ARRL VEC that the license should be modified to show the correct class of operator privileges. We believe that Section 316(a)(1) of the Communications Act of 1934, as amended, provides the appropriate vehicle for resolving this matter.<sup>6</sup> Section 316(a) permits the Commission to modify a station license if the action will promote the public interest, convenience, and necessity.<sup>7</sup> We believe that a modification of the license for amateur station W5VXJ to replace Amateur Extra Class operator privileges with General Class operator privileges is appropriate because you have passed the examinations necessary to qualify for a General Class operator license rather than an Amateur Extra Class operator license.

In accordance with Section 1.87(a) of the Commission's Rules,<sup>8</sup> however, we will not modify the license until you have received notice of our proposed action and have had an opportunity to file a protest. To protest the modification, you must, within thirty days of the release date of this letter, submit a written statement with sufficient evidence to show that the modification would not be in the public interest. The protest must be filed with the Office of the Secretary, Federal Communications Commission, 445 Twelfth Street, S.W., Room TW-A325, Washington, DC 20554.<sup>9</sup> If no protest is filed, you will have waived your right to protest the modification and will be deemed to have consented to the modification.

ACCORDINGLY, IT IS PROPOSED, pursuant to Sections 4(i) and 316(a) of the Communications Act of 1934, 47 U.S.C. §§ 154(i), 316, and Section 1.87 of the Commission's Rules, 47 C.F.R. § 1.87, that the license of Mr. John R. Ure for Amateur Radio Station W5VXJ BE MODIFIED by replacing Amateur Extra Class operator privileges with General Class operator privileges.

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<sup>6</sup> 47 U.S.C. § 316(a)(1).

<sup>7</sup> *Id.*

<sup>8</sup> 47 C.F.R. § 1.87(a).

<sup>9</sup> The address for FCC locations should be used only for documents filed by United States Postal Service first-class mail, Express Mail, and Priority Mail. Hand-delivered or messenger-delivered documents for the Commission's Secretary are accepted only at our new location at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. Other messenger-delivered documents, including documents sent by overnight mail (other than United States Postal Service, Express Mail, and Priority Mail) should be addressed for delivery to 9300 East Hampton Drive, Capitol Heights, MD 20743. See FCC Announces a New Filing Location for Paper Documents and a New Fax Number for General Correspondence, *Public Notice*, 16 FCC Rcd 22165 (2001).

IT IS FURTHER ORDERED that this letter shall be sent by certified mail, return receipt requested, to Mr. John R. Ure, 515 E. Carefree Highway 852, Phoenix, AZ 85085.

This action is taken under delegated authority pursuant to Sections 0.131 and 0.331 of the Commission's Rules, 47 C.F.R. §§ 0.131, 0.331.

FEDERAL COMMUNICATIONS COMMISSION

Scot Stone  
Deputy Chief, Mobility Division  
Wireless Telecommunication Bureau